

REMARKS

By the above actions, claims 1 & 4 have been amended. In view of the actions taken and the following remarks, further consideration of this application is now requested.

Claims 1-6 have been rejected under 35 USC § 102 as being anticipated by the disclosure of the patent application publication to Roos. To the extent that this reject may relate to the claims as now presented, it is inappropriate for the following reasons.

In making this rejection, the Examiner has equated the “pivotable stop element 17” of Roos which is “mounted such that it can rotate about a pivot 18 *on* the rotary latch 2” (page 2, paragraph [0025]) with applicants’ step down gear 11 that is formed by the transmission element 15. However, they are very clearly different. As highlighted above, Roos’ stop element 17 is mounted on his rotary latch 2 and as a result requires a leg spring 19 to be held in the proper position despite movement of the rotary latch 2 on which it is carried. Furthermore, stop element 17 is not pivoted about its axis for producing movement of the latch from the pre-catch position into the main catch position as can be seen from a comparison of Figs. 4 & 5.

In contrast, as is clearly shown in the drawings of the present application and now recited in amended claim 1, applicants’ transmission element 15 is mounted separately from their latch 2 and actuator 7 at a location interposed between them. Thus, unlike the positive connection between the rotary latch 2 and stop element 15 of the Roos publication, a non-positive connection exists in the present application which is created as the transmission element, via the first actuating surface, engages “the engagement element of the actuating element during movement of the actuating element in the second direction which causes, via the second actuating surface, pivoting of the transmission element about said fourth axis and forced engagement of the transmission element with the latch for coupling of the actuating element to the latch so as to move the latch from the pre-catch position into the main catch position” (see, amended claim 4, and e.g., [0029] on page 8).

Accordingly, it should now be apparent that the Roos publication is incapable of anticipating either of claims 1 or 4, or any of the claims dependent therefrom.

Claims 18-21 have been rejected under 35 USC § 103 as being unpatentable over the Roos publication when viewed in combination with the Cope et al. patent.

In addition to applicants' continued belief that the Cope et al. patent constitutes nonanalogous art because it is not directed to the problem to which the present invention was directed of enabling detection and evaluation of the position of the ratchet and the actuator without a complex sensor arrangement so as to achieve low cost and maximum mechanical and control-engineering operating reliability as stated in paragraphs [0006] to [0009], the simple fact remains that even if one of ordinary skill in the art were to use Hall sensors in connection with Roos's lock, the above noted distinctions between the lock of the present invention and that of the Roos publication would still exist and would not be rendered obvious from anything contained in either reference.

Accordingly, the outstanding rejections should now be withdrawn for the above reasons.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited. In this regard, should the only obstacle to passage of this application to issuance as a patent be the presence of non-elected claims 7-17, the Examiner is hereby authorized to cancel same by Examiner's Amendment subject to applicants' right to file a divisional application directed thereto.

Respectfully submitted,



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